

1 MEREDITH N. LANDY (S.B. #136489)  
2 PETER T. SNOW (S.B. #222117)  
3 O'MELVENY & MYERS LLP  
4 2765 Sand Hill Road  
5 Menlo Park, California 94025-7019  
Telephone: (650) 473-2600  
Facsimile: (650) 473-2601  
Email: mlandy@omm.com  
psnow@omm.com

6 Attorneys for Defendants Rackable Systems, Inc.,  
7 Thomas K. Barton, Madhu Ranganathan and Todd  
R. Ford

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

## OAKLAND DIVISION

13 IN RE RACKABLE SYSTEMS, INC. ) Case No. C-09-0222-CW  
14 SECURITIES LITIGATION )  
15 THIS DOCUMENT RELATES TO: )  
16 ALL ACTIONS. )  
                                  ) CLASS ACTION  
                                  ) **STIPULATION AND ORDER**  
                                  ) **REGARDING SCHEDULING**  
                                  ) **MATTERS**

WHEREAS, pursuant to the Court's Stipulation And Order Regarding Scheduling And Related Matters As Modified of March 13, 2009, Lead Plaintiff filed the Amended Complaint For Violations Of The Federal Securities Laws ("Amended Complaint") on June 15, 2009;

**WHEREAS**, Defendants' response to the Amended Complaint is currently due on July 30, 2009;

WHEREAS, Defendants intend to file a motion to dismiss the Amended Complaint;

WHEREAS, the parties have agreed, subject to the approval of the Court, to modify the schedule for the filing of Defendants' response to the Amended Complaint.

NOW THEREFORE, the parties to this action hereby stipulate and agree, by and through their undersigned counsel, as follows:

1. Defendants shall file their response or any motion directed to the Amended Complaint by August 13, 2009;

2. If Defendants file a motion directed to the Amended Complaint, Lead Plaintiff's opposition brief shall be filed by September 14, 2009:

3. Defendants' reply brief in support of any such motion shall be filed by October 14, 2009:

4. The hearing on any motion filed by Defendants shall be October 29, 2009 at 2:00 p.m.

O'MELVENY & MYERS LLP

Dated: July 28, 2009

By: /s/

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Meredith N. Landy

Attorneys for Defendants Rackable Systems, Inc., Thomas K. Barton, Madhu Ranganathan and Todd R. Ford

1 GLANCY BINKOW & GOLDBERG LLP  
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4 Dated: July 28, 2009  
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By: \_\_\_\_\_/s/

Lionel Z. Glancy  
Michael Goldberg

6 Attorneys for Lead Plaintiff  
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I, Meredith N. Landy, am the ECF User whose ID and password are being used to file this  
9 Stipulation and [Proposed] Order Regarding Scheduling Matters. In compliance with General  
10 Order 45, X.B., I hereby attest that Lionel Z. Glancy has concurred in this filing.  
11

12 By: \_\_\_\_\_/s/  
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Meredith N. Landy  
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**O R D E R**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

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DATED: \_\_\_\_\_, 2009  
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The Honorable Claudia Wilken  
20 United States District Judge  
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